

4. To avoid a multiplicity of litigation, Plaintiff requests that the Court continue the current stay until any appeal in *Simpson* has run its course or until the deadline to appeal in *Simpson* has passed without the plaintiff's filing of a notice of appeal.

5. Plaintiff is no longer a pretrial detainee at Cape Girardeau County Jail. If the Court continues the current stay in these proceedings, Defendants will not suffer any prejudice in light of the existing judgment in *Simpson*, although the reversal of the *Simpson* judgment on appeal would affect the substantial rights of Plaintiff in this action.

CONCLUSION

Plaintiff Jeffrey A. Harker respectfully requests that the Court deny Defendants' Motion to Lift Stay and maintain the current stay pending the resolution of any appeal in the *Simpson* action.

Dated: August 31, 2016

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing was served on all counsel of record by operation of the Court's CM/ECF system this 31st day of August, 2016.

/s/ Jonathan B. Potts